

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BENJAMIN CUNNINGHAM,

Plaintiff,

-v-

PORT AUTHORITY OF NY/NJ AGENCY, et al.,

Defendants.

23 Civ. 2542 (PAE) (JLC)

ORDER

PAUL A. ENGELMAYER, District Judge:

In 2016, Judge Deborah A. Batts of this District barred plaintiff Benjamin Cunningham (“Cunningham”) “from filing any additional papers or lawsuits without permission of the Court” because of his “unauthorized, repetitive and frivolous” litigation in the District. *Cunningham v. USMS*, No. 05 Civ. 10169 (DAB), Dkt. No. 236, at 5 (S.D.N.Y. Aug. 2, 2016), *filing injunction reiterated*, Dkt. No. 250 (S.D.N.Y. Sept. 6, 2016), *appeal dismissed*, No. 16-3222 (2d Cir. Dec. 27, 2016). In 2018, then-Chief Judge Colleen McMahon imposed another filing injunction on Cunningham in a separate matter and reiterated Judge Batts’s injunction, ordering that failure to comply could result in sanctions and/or monetary penalties. *In re Benjamin Cunningham*, No. 17 Civ. 7809, Dkt. No. 20, at 3 (S.D.N.Y. Oct. 10, 2018).

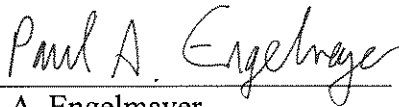
On February 28, 2023, this matter was transferred here from the District of New Jersey. Dkt. 129. Cunningham’s claims arise from his allegedly unlawful arrest and detention at the Port Authority Bus Terminal and 4 World Trade Center in New York City in April and May 2019. *See* Dkt. 76.

On April 21, 2023, Chief Judge Laura T. Swain ordered Cunningham to show cause, by declaration, “why the Court should allow [Cunningham] to litigate this action despite what

appears to be his attempt to evade” filing injunctions “by initially filing this action in the District of New Jersey.” Dkt. 129. On May 2, 2023, Cunningham filed a declaration. Dkt. 133.

The Court orders the appearing defendants in this matter, the City of New York and the New York Police Department, to file any response to this declaration by June 21, 2023. Any reply is due from Cunningham by June 28, 2023.

SO ORDERED.


Paul A. Engelmayer
United States District Judge

Dated: June 13, 2023
New York, New York